

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda January 28, 2014 7:00 P.M.

Call to Order

Roll Call

Invocation given by Acting City Clerk, Marbelys Fatjo

Pledge of Allegiance led by Councilmember Paul B. Hernandez

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations -

- (1) Mayor Carlos Hernandez and Hialeah Police Chief Sergio Velazquez swear in four Florida Certified Law Enforcement Training graduates as Police Officers of the Hialeah Police Department:

- Leticia Ramos
- Rene Mateo
- Josue Gomez
- Danil Ramirez

- (2) Hialeah Police Sergeant Ernesto Clavijo is recognized for being promoted to the rank of Commander.

1. Announcement of Amendments/Corrections to the Agenda –

2. Consent Agenda –

- A. Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on January 14, 2014. (OFFICE OF THE CITY CLERK)
- B. Report of Scrivener's Error - Item C, City Council Agenda of November 26, 2013. The correct entity to benefit from the proceeds of the Anheuser Busch beer station at the City's Art on Palm is *Friends of the Hialeah Public Libraries, Inc.* (EDUCATION AND COMMUNITY SERVICES DEPT.)
- C. Request permission to issue a new purchase order to Thevenin Enterprises, Inc., for additional site lighting at the 72-Unit Elderly Housing Project, since it is advantageous to the City in that the additional work is necessary, in the amount of \$5,461.25. A purchase order was previously issued to this vendor in the 2012-2013 fiscal year in the amount of \$48,950. Approval of a new purchase order for fiscal year 2013-2014 would thereby increase the total amount of the expenditure to \$54,411.25. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.)
- D. Request permission to issue a new purchase order to Aaron Construction Group, Inc., for additional framing, installation and drywall for the 36-Unit Elderly Housing Project, since it is advantageous to the City in that the additional work is necessary, in the amount of \$6,757.58. A purchase order was previously issued to this vendor in the 2012-2013 fiscal year in the amount of \$175,000 pursuant to Hialeah Bid # 2012/13-3230-00-015. Approval of a new purchase order for fiscal year 2013-2014 would thereby increase the total amount of the expenditure to \$181,757.58. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.)
- E. Request permission to issue a new purchase order to Aaron Construction Group, Inc., for additional painting and waterproofing for the 36-Unit Elderly Housing Project, since it is advantageous to the City in that the additional work is necessary, in the amount of \$2,388. A purchase order was previously issued to this vendor in the 2012-2013 fiscal year in the amount of \$89,000 pursuant to Hialeah Bid # 2012/13-3230-00-017. Approval of a new purchase order for fiscal year 2013-2014 would thereby increase the total amount of the expenditure to \$91,388. (CONSTRUCTION AND MAINTENANCE DEPT. & GRANTS AND HUMAN SERVICES DEPT.)
- F. Proposed resolution authorizing the Mayor and the City Clerk, on behalf of the City, to enter into an agreement with Maria Gamboa Bus Services, Inc. from January 1, 2014 through December 31, 2015 with an option to renew for one year for Transportation Services for the After Care, Holiday and Summer Camp Programs in the form attached and made a part hereof as Exhibit "1". (EDUCATION AND COMMUNITY SERVICES DEPT.)

- G.** Request permission to utilize General Services Administration (GSA) Contract # GS-02F-0020T, and issue a purchase order to BulEx, Inc., to purchase a Car Prop Transport Trailer, in a total cumulative amount not to exceed \$104,735. (FIRE DEPT.)
- H.** Request permission to utilize General Services Administration (GSA) Contract # GS-07F-0125W, and issue a purchase order to FireBlast 451, Inc., to purchase a Forcible Entry Transport Trailer, in a total cumulative amount not to exceed \$121,745. (FIRE DEPT.)
- I.** Request permission to enter into a service contract with and issue a purchase order to Zoll Data Systems, Inc., sole source vendor, for Rescue Net Maintenance, in a total cumulative amount not to exceed \$76,008.18. (FIRE DEPT.)
- J.** Request permission to increase purchase order # 2014-146, since it is advantageous to the City, issued to Growers Equipment Company, to purchase Ford equipment parts and accessories for City trucks, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- K.** Request permission to increase purchase order # 2014-65, since it is advantageous to the City, issued to Sun Belt Hydraulics & Equipment Inc. d/b/a Sunbelt Waste Equipment, to purchase recycle truck parts for City vehicles, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.)
- L.** Proposed resolution authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a First Amendment to the Joint Participation Agreement dated September 9, 2009 between the State of Florida, Department of Transportation, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit "1", for roadway construction for the widening of state road 916 (West 84 Street), from West 12 Avenue to West 4 Avenue, Hialeah, Florida, including, but not limited to, sidewalks, drainage, street lighting signalization improvements, landscaping, construction engineering and inspection services and project utility adjustments. (STREETS DEPARTMENT)
- M.** Proposed resolution accepting the Grant Award from the Miami-Dade County Department of Cultural Affairs under the Targeted Initiatives Grants Program and authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a Grant Agreement commencing on October 1, 2013 and ending September 30, 2014 in furtherance thereof, in a form acceptable to the City Attorney. (EDUCATION AND COMMUNITY SERVICES DEPT.)
- N.** Proposed resolution amending the Operating Budget to increase certain line item expenses in fiscal year 2013-2014 for commitments that were made in fiscal year 2012-2013, which were not concluded in that budget year, to pay for such encumbrances in fiscal year 2013-2014 and providing funding for same. (OFFICE OF MANANGEMENT AND BUDGET)

- O.** Request permission to utilize State Contract 760-000-10-1, and issue a purchase order to Growers Equipment Company, to purchase a New Holland Workmaster 55 2WD tractor, front end weight bracket, 100 lb weights, Non-Contract Option: R3 Turf Tires Front and Rear, for the Department of Parks and Recreation, for a total cumulative amount not to exceed \$17,766.91. (PARKS AND RECREATION DEPT.)
- P.** Proposed resolution authorizing the transfer of unencumbered appropriation balances or a portion thereof between classifications of expenditures within an office or department within the General Fund; within the Special Revenue Funds, and in particular, the Streets Transportation Fund, Police Department LETF-State, E-911 Non-Wireless Fund, Fire Prevention Fund, Fire Rescue Transport Fund, Children's Trust Grant Fund, Metro Medical Response System Grant Fund, Urban Area Security Grant Fund, Police Grant Fund, E-911 Wireless Fund, Affordable Housing Fund, Police Department LETF-Federal, Hialeah Circulator Fund, State Homeless Security Grant Fund, 3-Cent Local Option Gas Tax Fund, 21st Century After School Grant Fund, ECS & Library Grants Fund, Building Department Fund and CITT Fund; within Capital Project Funds, and in particular, Multi-Purpose Senior Adult Center Fund, Milander Parking Garage (GOB) Fund, Milander Auditorium (GOB) Fund, Palm Center Complex (GOB) Fund, State Road I-75 and NW 138 Street Interchange Fund, MDCPW-NW 138 Street Fund, Road Construction-2012 Bond, Affordable Housing 180 Units Fund and Bucky Dent Park Fund; and within Enterprise Funds and in particular, Public Works Fund-Solid Waste Division, Public Works Fund-Water & Sewers Division and Stormwater Utility Fund, all as summarized and itemized in the schedule attached as Exhibit "1" and made a part hereof.
- 3.** Second reading and public hearing of proposed ordinance amending Chapter 70 entitled "Retirement and Pensions", Article IV. Employees General Retirement System, of the Code of Ordinances, and in particular, to revise language in order to comply with changes in Federal Law to become a Qualified Retirement Plan pursuant to the Internal Revenue Code and to add an additional section, Hialeah Code § 70-259.1 entitled "Federal Tax Provisions" in furtherance thereof; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)
- 4.** First reading of proposed ordinance amending Chapter 98 entitled "Zoning", Article VI. Supplementary District Regulations, Division 10. Parking, of the Code of Ordinances and in particular, revising Hialeah Code §98-2189 entitled "Minimum Required Off-Street Parking Spaces" to allow property owner to satisfy minimum off-street parking requirements for guest parking in connection with residential uses through Valet Guest Parking Services for residential uses, as approved by the City; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)
- 5.** First reading of proposed ordinance amending Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 33. NBD Neighborhood Business District, of the Code of Ordinances and in particular, revising the provisions concerning the purpose, precedence over other land use and zoning regulations surface parking and parking

requirements and height and density incentives and miscellaneous provisions; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

6. First reading of proposed ordinance amending Chapter 2 entitled "Administration", Article II. Departments, Offices and Divisions, of the Code of Ordinances by amending Division 8 entitled "Finance Department" and Division 9 entitled "Office of Management and Budget" to effectuate the transfer of the Purchasing Division to the Finance Department and by amending Division 6 entitled "Public Works Department" to correct language to accurately reflect the creation of a Public Works Department and other miscellaneous revisions; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

7. Board Appointments-

- a. Proposed resolution appointing Katrina M. Rey to the Historic Preservation Board of the City of Hialeah, for a three (3)-year term ending on January 28, 2017. (MAYOR HERNANDEZ)

8. Unfinished Business

9. New Business

10. Comments and Questions

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1. Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, FLA., Ordinance 2013-43 (June 25, 2013), granting a Variance Permit to allow Pawnbroking of Secondhand Jewelry by a Retail Jewelry Store on property zoned CR (Commercial-Residential District) and located in the extended Hialeah Downtown Urban Center District, contra to Hialeah Code §98-1111(21) as referenced in Hialeah Code §98-891. **Property located at 1765-1795 East 4 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

- PZ 2. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) to allow a House of Worship pursuant to Hialeah Code §98-181(2)f and granting a Variance Permit to allow 40 parking spaces, where 60 spaces are required, contra to Hialeah Code §98-2189(17) on property zoned C-3 (Extended Liberal Commercial District). **Property located at 1475 West Okeechobee Road, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Manuel Lopez & Georgina Lopez*)
- PZ 3. Second reading and public hearing of proposed ordinance approving a Final Plat of Palm West, accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located at 8275 West 12 Avenue, Hialeah, Florida.** (*Applicant: Pacifica Apartment Holdings, LLC*)

FINAL DECISIONS

- FD. 1 Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 13-11 that granted an adjustment on condition that the terrace to be legalized remain open on two sides and no other improvements be built on the property that would diminish the remaining yard space, on property located at **7538 West 35 Avenue, Hialeah, Florida;** and providing for an effective date. (*Applicant: Rafael Gomez & Zulinsca Gomez*)
- FD. 2 Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 13-12 that granted adjustments on property located at **4161 West 2 Avenue, Hialeah, Florida,** on condition that the outdoor grill area remain open on two sides; and providing for an effective date. (*Applicant: Odalis Marrero & Angel Castro*)
- FD. 3 Final Decision of the Planning and Zoning Board denying the adjustment of the distance between the aluminum- roofed terrace and accessory building to 2' (20' required) and rear setback to 6.7' (7.5' required), for existing accessory building on property located at **5561 West 6 Court, Hialeah, Florida.** (*Applicant: Antonio Perez*)
- FD. 4 Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 14-01 that granted an adjustment on property located at **1565 West 56 Place, Hialeah, Florida;** and providing for an effective date. (*Applicant: Elena Sanchez Milian*)

NEXT CITY COUNCIL MEETING: February 11 , 2014 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: February 25, 2014 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).